

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

|                             |   |  |
|-----------------------------|---|--|
| CARLOS J. RIVERA MAYSONET,  | ) |  |
|                             | ) | Civil Action No. 14 – 654                |
| Plaintiff,                  | ) |  |
|                             | ) | District Judge Arthur J. Schwab          |
| v.                          | ) | Chief Magistrate Judge Lisa Pupo Lenihan |
|                             | ) |  |
| CORPORATION ENTITY OF       | ) |  |
| CORRECTIONAL INSTITUTION    | ) |  |
| GREENE, MR. F. NUNEZ, MR.   | ) |  |
| KORTE, MR. BENNETT, and MR. | ) |  |
| JIN,                        | ) |  |
|                             | ) |  |
| Defendants.                 | ) |  |

**MEMORANDUM ORDER**

Carlos J. Rivera Maysonet (“Plaintiff”) is a prisoner currently confined at the State Correctional Institution at Greene (“SCI-Greene”). He initiated this prisoner civil rights action on May 20, 2014, by submitting for filing a Motion for Leave to Proceed *in forma pauperis*, along with a Complaint titled “Tort Claims Action” (“Complaint”). The Complaint (ECF No. 5) was referred to Chief United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judge’s Act, 28 U.S.C. § 636(b)(1), and Rules 72.C and 72.D of the Local Rules of Court.

The Magistrate Judge’s Report and Recommendation (ECF No. 8) filed on August 6, 2014, recommended that Plaintiff’s Complaint be dismissed with prejudice as frivolous pursuant to 28 U.S.C. § 1915(e)(2)(B)(i). Service was made on Plaintiff, and he was informed that in accordance with the Magistrate Judge’s Act, 28 U.S.C. § 636(b)(1)(B) and (C), and Local Rule of Court 72.D.2, he had fourteen (14) days from the date of service to file objections to the

Report and Recommendation. Plaintiff filed objections (ECF No. 9) on August 22, 2014. However, the Court finds that they do not undermine the recommendation of the Magistrate Judge.

Therefore, after reviewing the pleadings and documents in this case, together with the Report and Recommendation and the objections thereto, the following Order is entered:

**AND NOW**, this 27<sup>th</sup> day of August, 2014, it is hereby **ORDERED** that the Report and Recommendation (ECF No. 8) of Chief Magistrate Judge Lenihan, dated August 6, 2014, is adopted as the Opinion of the Court.

**IT IS FURTHER ORDERED** that, pursuant to 28 U.S.C. § 1915(e)(2)(B)(i), Plaintiff's Complaint is dismissed with prejudice as frivolous.

**IT IS FURTHER ORDERED** that the Clerk of Court mark this case **CLOSED**.

**AND IT IS FURTHER ORDERED** that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if any party wishes to appeal from this Order a notice of appeal, as provided in Fed. R. App. P. 3, must be filed with the Clerk of Court, United States District Court, at 700 Grant Street, Room 3110, Pittsburgh, PA 15219, within thirty (30) days.



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Arthur J. Schwab  
United States District Judge

cc: Carlos J. Rivera Maysonet  
EL 5143  
SCI Greene  
Waynesburg, PA 15370  
(Via First Class Mail)